BRITISH COLUMBIA

Board of Parole for the Province of British Columbia

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ANNUAL REPORT

April 1, 2000 to March 31, 2001

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Message from the Chair

I am pleased to present the Annual Report of the Board of Parole for the Province of British Columbia.

The board has taken time this year to re-examine and affirm the concept of restorative justice and to further integrate the basic principles in the conditional release decision-making process. In keeping with restorative justice, we strive to involve offenders, victims and the interested community in a resolution of the harm that has been done.

The board welcomes victims to attend, not merely as observers but as integral contributors to the hearing. We are proud to have been the first board in Canada to afford victims a voice in hearings and further pleased that there is now a growing movement in other Canadian jurisdictions to offer victims a voice in parole hearings. The B.C. Board of Parole works with provincial and federal organizations to provide support and assistance to victims in what can be an emotionally charged experience and to minimize their possible re-victimization.

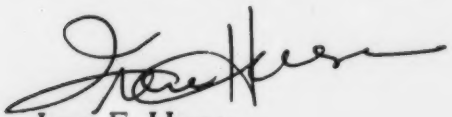
I am pleased that our board truly reflects the diversity of British Columbia. Cabinet has appointed board Members from recommendations that come directly from the communities of British Columbia. Candidates are selected for their demonstrated leadership, their decision-making ability and sensitivity to the competing interests inherent in conditional release decision-making.

We have re-written our Mission Statement and Objectives to more accurately reflect the contemporary role of parole in British Columbia and our commitment to protection of the community, quality training, public education and administrative fairness.

The board realizes the important role that all its members play to ensure that the public accepts the value of returning offenders to the community with support and control. Board members have been active in discussing these issues in their communities and in justice forums and, in addition, I have represented the board as a panel participant in two international conferences, speaking on the role of victims in the parole process.

In this last fiscal year we have worked with our main justice partner, the B.C. Corrections Branch, to sign a first Memorandum of Understanding and a contemporary Administrative Agreement with the Corrections Branch.

I would like to express appreciation for the support that the board receives from its justice partners and in particular; the B.C. Corrections Branch, the National Parole Board, The Ontario Parole Board, the Quebec Parole Board and the Victim Services Branch, B.C. Ministry of Attorney General.



Irene E. Heese

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Background

The Board of Parole for the Province of British Columbia has been a continuously operating board for over fifty years. Originally constituted to provide release decision-making on the indeterminate portion of definite/indeterminate sentences for young adult offenders, the board was reconstituted as a full provincial paroling authority in the early 1980's when the definite/indeterminate sentences were abolished.

In late 1996, the Ministry made a decision to review the delivery of parole services in British Columbia. At the same time, a decision was made to re-organize the Corrections Branch. These two events provided an opportunity for an administrative partnership between the board and the Corrections Branch. This administrative partnership concluded in March 1999. The board is now administratively independent but continues to work with Corrections Branch to efficiently and effectively review offenders for their return to the community.

The Board of Parole continues to provide a community voice, through member appointment, for conditional release and decision-making that is independent of interference or reward.

For many years offenders have been able to apply for release through a number of administrative avenues. The board has promoted the concept of a single release process where the board would be the sole decision-maker for conditional release whenever an offender would not be returning to a custodial setting. In partnership with the Corrections Branch, the board has been afforded an opportunity to collaborate on policy, practice and philosophy regarding the preparation of conditional release candidates as well as the conditional release standards and policies of the Branch. The end of fiscal year 2000/2001 marked the end of the Corrections Branch Temporary Absence/Electronic Monitoring Program. The Board of Parole for the Province of British Columbia is now the primary authority for the conditional release of inmates to the community. The benefit to the Branch is independent decision-making in the conditional release process, an enhanced standing with the Ministry and a credible relationship with the community. It is noteworthy that other Canadian jurisdictions are interested in this concept and are actively researching and discussing various models.

The concept of a single release authority, if it is to be effective in releasing appropriate offenders, is founded on the belief that the conditional release process must be promoted by staff and not solely reliant on inmate applications if it is to be effective. The board has responded to the challenge by increasing membership around the province to provide enhanced geographic availability.

Mission Statement

The Board of Parole for the Province of British Columbia, a component of the criminal justice system, is an independent administrative tribunal whose members reflect the diversity of our province and are appointed on the merit of their community involvement and decision-making ability. The board contributes to the protection of society by deciding if eligible offenders in provincial correctional facilities, who do not pose undue risk, will be permitted to serve their full sentences under supervision in the community with conditions of release set by the board.

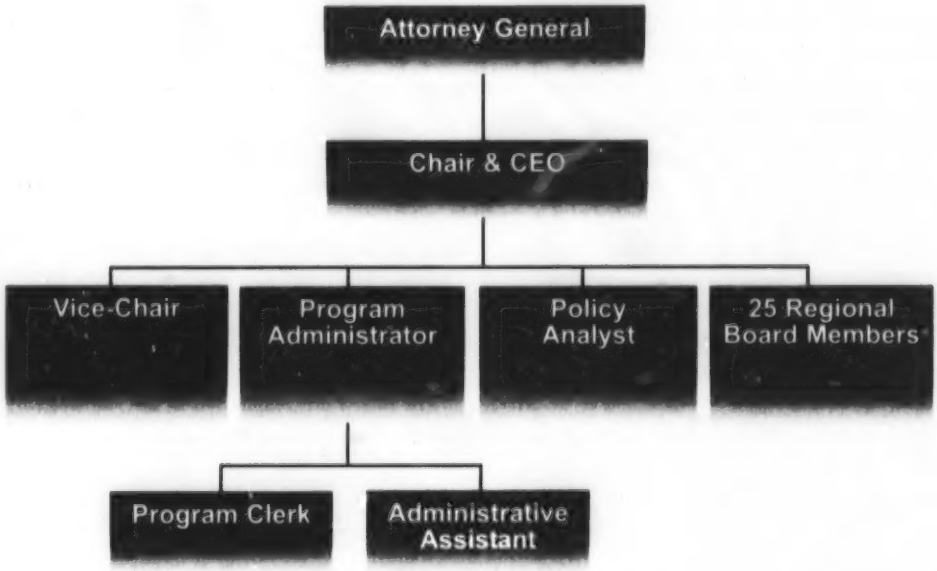
In making released decisions, the board considers information from the justice system, offenders, victims and the community and strives to afford offenders an opportunity to redress individual and social relationships that have been harmed.

Organization of the Board

The B.C. Board of Parole is an independent administrative tribunal. All members are merit order-in-council appointments and represents British Columbia's commitment to public participation in the justice process. The board is composed of a full-time chair, a part-time vice chair and part-time board members who serve on an as-needed basis. The board strives to maintain gender equity, ethno-cultural balance, geographical representation and a dynamic range of age and experience in order to be responsive to the various communities and stake-holders in British Columbia.

Candidates must undergo an extensive interview to assess their decision-making ability, awareness of the dynamics and needs of offenders and victims, knowledge of the justice system and leadership and accountability to the community. Written assignments are also part of the pre-screening process.

The board is supported by four administrative staff who conduct the board's business functions and respond to changes in legislation, government program initiatives, the general public, interest groups and offenders.



Mandate

The British Columbia Board of Parole is an independent tribunal that contributes to public safety by rendering decisions on applications for parole from prisoners in provincial correctional centres. The board operates within the legal framework of the Corrections and Conditional Release Act (Canada) and the Parole Act of British Columbia.

Purpose

The purpose of conditional release is to contribute to the maintenance of a just, peaceful and safe society. Board members make decisions on the timing and conditions of release that will best help the rehabilitation and reintegration of individuals into the community as law-abiding citizens.

Strategic Plan

The purpose of the strategic plan is to identify objectives or goals the board aims to accomplish within the next four years and the strategies to be pursued in reaching those objectives. Section 101 of the Corrections and Conditional Release Act documents six principles that guide parole boards as they make conditional release decisions and these form the framework for our strategic plan objectives. These principles may be summarized as follows:

1. The protection of society is the paramount consideration
2. Parole boards are to consider all available information from their criminal justice partners, other interested parties, the victim and the offender
3. The timely exchange of relevant information with criminal justice partners and communication of policies and programs to offenders, victims and the general public enhances effectiveness and openness
4. Parole boards should make the least restrictive determination consistent with the protection of society
5. Parole boards should adopt appropriate policies and training programs for members
6. Offenders must be provided with relevant information, reasons for decisions and access to the review of decisions to ensure a fair and understandable conditional release process

The Board of Parole for the Province of British Columbia fully endorses these principles as the framework for the five objectives and included action statements of the strategic plan.

The Board of Parole for the Province of British Columbia is committed to protecting society by effectively assessing risk, making informed release decisions and providing for the appropriate management of offenders through the reintegration process. In accordance with legislation and the principles of restorative justice, we strive to represent and be sensitive to a concept of community that includes offenders, the public, victims and other interested and concerned individuals. It is essential that we work with our partners in the criminal justice system to ensure that we receive the information required for independent decision-making.

Objectives

Objective One

– To foster excellence in board practice

1.1 Ensure efficient and effective decision-making practices that focus on the protection of society and reintegration of the offender into the community.

1.2 Provide opportunity for community input in board decision-making practice and policy.

1.3 Provide effective orientation, on-going training programs and a support structure to all board members to ensure quality decision-making, documentation practice and adherence to policy and procedure.

1.4 Provide staff with the necessary resources and training to support the board.

1.5 Foster accountability for decisions and practices.

1.6 Promote community representation on the board emphasizing geographic representation, cultural diversity, gender balance and a dynamic combination of age and experience.

Objective Two

– To increase public confidence in and understanding of the parole process

2.1 Expand the board's public education strategy to promote awareness of the parole process and the British Columbia Board of Parole.

2.2 Participate in community forums when the interests of the board and community converge.

2.3 Keep the political and executive levels of government informed to enhance their understanding and support of parole and promote the work of a community based parole board.

2.4 Demonstrate board openness and accountability by inviting observers and supporting and encouraging the participation of victims in the hearing process.

2.5 Increase cultural sensitivity in all board processes by allowing, whenever possible, spiritual and traditional practices of diverse groups.

Objective Three

– To advance the role of the Parole Board as an independent partner within the criminal justice system

3.1 Clearly communicate board objectives and practices.

3.2 Promote productive relationships with all justice partners to facilitate creative problem-solving and the development of quality standards.

3.3 Initiate and respond to opportunities for education and information sharing.

3.4 Represent and promote the interests of the board in all related legislation and policy development.

Objective Four

– To encourage the full participation of offenders in the parole process

4.1 Work with Corrections Branch to develop strategies to increase offender confidence in the parole process.

4.2 Provide information material for distribution to offenders, victims and the general public.

4.3 Demonstrate a consistent, fair and just process.

4.4 Write decisions that provide guidance to offenders with respect to reintegration and reduced risk.

4.5 Set appropriate conditions that are the least restrictive and that are consistent with risk to the community and the needs of the offender.

Objective Five

– To be a catalyst for innovation and change in the community and in the justice system

5.1 Conduct research that promotes a reasoned response to crime and community re-integration.

5.2 Challenge society's conventional beliefs and stereotypes of offenders and the criminal justice system.

5.3 Evaluate and support alternatives to incarceration.

5.4 Work with partners in pilot projects that facilitate the successful re-integration of offenders.

Board Membership 2000/2001

The Board

The board is an independent body of community members who are appointed by order-in-council to make parole decisions on federal and provincial offenders serving a sentence in a provincial institution. Board members come from all walks of life and from a variety of cultural and ethnic backgrounds and are trained for their task. Board members are recruited on their merits and must have demonstrated:

- a true sense of responsibility and interest in community affairs proven through their activities and participation,
- a level of ability, experience and objectivity that is consistent with the task of independent decision-making,
- an understanding of the serious impact of their decisions on both the parole applicant, the victim and the community, and
- a general knowledge of the justice process.

Each member of the board, other than the chair, holds office for a term of four years and is not eligible for reappointment to the board.

Major Responsibilities

The major responsibility of the B.C. Board of Parole is to determine whether or not to grant parole in accordance with legislated criteria. The board also has the responsibility to:

- set conditions for parole and statutory release,
- authorize suspensions if a violation of parole or statutory release occurs, and
- maintain a close working relationship with the B.C. Corrections Branch who provide case preparation for hearings, case management and community supervision.

Membership

Two board members retired in 2000/2001. These were:

Darcy Kerr and Patricia Simonson

Six board members were appointed in 2000/2001. These were:

June Barens

Fae Chato-Manchuk

Curt Griffiths

Debbie Scarborough

Kenneth Thornicroft, and

Nelson Tsui

The current board members are:

June Barens: June is an administrator and foster parent with experience in special needs and high-risk children.

Donald Bell: Donald is the former executive director of the B.C. Board of Parole.

Vera Bergman: Vera is a former justice instructor and program co-ordinator.

Grace Brown: Grace owns her own business.

Fae Chato-Manchuk: Fae is a registered nurse with experience in working with violent offenders and sex offenders.

Lynne Connell: Lynne is a former National Parole Board member and citizenship judge.

Ardyth Cooper: Ardyth is a student and a former treaty negotiator.

Gwenn Cutler: Gwen is a consultant and past administrator of a sexual assault counselling centre.

Emile De Koninck: Emile is an educational psychologist and teacher.

Kenneth Dercole: Ken is a registered psychologist and community college instructor.

Alvin Dixon: Alvin is an aboriginal instructor and a past executive director for the Native Fishing Association.

Stan Dyck: Stan is a child and youth therapist, former educational counsellor and vice-chair of the B.C. Board of Parole.

Ken Edzerza: Ken is a youth counsellor and director of the Native Courtworker Society.

Barry Gelling: Barry is a family physician and methadone program specialist.

MaryEllen Gillan: MaryEllen is a writer and former career federal civil servant.

Curt Griffiths: Curt is a university professor and author.

Irene Heese: Irene is a former administrator and is currently the chair of the B.C. Board of Parole.

Jim Imrich: Jim is a former superintendent of schools.

Neena Keram: Neena is active in the Indo-Canadian community and represents a move toward a youth voice on administrative boards.

Darcy Kerr: Darcy is an aboriginal counsellor and workshop facilitator in the areas of family violence and sexual abuse. (retired member)

Baljinder Lidhar: Baljinder is an instructional associate at a university college.

Lloyd McDames: Lloyd is a social worker and former probation officer.

Shirley Mortimer: Shirley is a former probation officer and psychiatric nurse.

Edward O'Donnell: Edward is a former provincial court judge.

Debbie Scarborough: Debbie is a transition house co-ordinator and former RCMP auxiliary constable and victim assistance co-ordinator.

Patricia Simonson: Patricia is a Lutheran minister. (retired member)

Tracey Thompson: Tracey is a civil servant and former Royal Canadian Mounted Police officer.

Kenneth Thornicroft: Kenneth is an author, instructor and lawyer whose practice includes labour law, arbitration and dispute resolution.

Nelson Tsui: Nelson is a lawyer and columnist for a Chinese community newspaper.

The Parole Process

The board receives its authority from the Corrections and Conditional Release Act (Canada) and the Parole Act of British Columbia.

The criteria for the granting of parole is:

a) the offender will not, by re-offending, present an undue risk to society before the expiration according to law of the sentence the offender is serving; and

b) the release of the offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen.

Eligibility

Inmates are eligible to apply for day parole at one-sixth of their sentence and full parole at one third of their sentence and at any time thereafter. The board also conducts statutory release hearings and detention hearings for federally sentenced inmates serving their sentences in provincial institutions. Inmates are eligible for statutory release at two-thirds of their sentences.

The Application

An inmate who wishes to be considered for parole must submit an application to the board. Institutional staff assist the inmate in developing a release plan for community re-entry.

The Community Services Division of the Corrections Branch investigates the content of the application and prepares an assessment of the applicant's plan.

The inmate's institution also prepares a report that evaluates the applicant's participation in programs and progress while incarcerated. Relevant medical and psychological assessments are included in the parole package.

Information relating to the applicant's current conviction, criminal history and driving history are also included in the parole package along with the remarks of the sentencing judge and victim impact statements when submitted.

The applicant may obtain letters of support and is able to invite family, friends or a lawyer to assist him or her in the parole hearing.

All applications that are presented to the board for decision-making are accompanied by standardized and verified risk/needs assessments. These assessments identify areas of risk and individual needs and are instrumental in setting release conditions.

The Hearing

Parole hearings usually take place in provincial correctional centres and are usually conducted by two board members. One member reviews are reserved for administrative changes to existing orders and to hearings where there is a likely decision to grant parole based on a positive community assessment and positive institutional assessment. A detention hearing, in which the Board of Parole considers the detention of certain federally sentenced offenders past their statutory release date, takes place before a quorum of three members.

The applicant may be questioned before the board about his/her criminal history, behaviour in custody, participation in programs, addiction history, offence patterns and release plan. The applicant may have an assistant to provide support throughout the hearing and to speak on his or her behalf at a specified point in the hearing.

On occasion, an observer may be present at a hearing. Observers may be victims of crime, members of the inmate's family, media representatives or other members of the public including special interest groups and academic researchers. The board supports the minister's restorative justice initiatives. In keeping with one aspect of restorative justice, victims have been afforded the opportunity to not only attend hearings as observers but to participate in the hearing through audio or video taped statements as well as written and oral statements.

Normally, the board in session will ask the inmate to leave the room while the members deliberate. Each member of the board in session casts an independent vote. The decision is based on consensus. When consensus cannot be reached, the chair assigns three other board members to conduct a new hearing. The decision and the reasons for the decision are given to the inmate in writing.

Should the board decide to grant parole; conditions of residence, mobility, participation in treatment and reporting are included in the parole certificate issued by the board. Violations of conditions that indicate increased risk to the community may result in the suspension of parole, return to custody and the subsequent revocation of the parole. A review may also determine an offender's suitability for return to the community with a change of conditions.

Decision Registry

The signed and dated hearing decision and reasons, the panel hearing schedule and the Certificate of Parole for grants are the official record of the hearing. Original copies of all these documents are on the official board file and form the Decision Registry.

The registry provides opportunity for persons who show an interest in a specific case to get board decisions relating to that case.

Suspension and Revocation

The board provides a 24-hour suspension service through board members who have agreed to be available to police and justice workers to respond to violations that indicate increased risk to the safety of the community.

Appeals

Under current legislation there is no appeal of the board's decisions to an outside court, tribunal or other body.

However, an inmate may apply for re-examination of a board decision by writing to the chair within thirty days of the decision.

Grounds for re-examination are as follows:

- Where it can be proved that the board acted beyond its jurisdiction, or refused to exercise its jurisdiction.

- Where it can be proved that the board failed to observe prescribes procedures, policies, or otherwise erred in law in making its decision.
- Where it can be proved that the board made its decision based on false information or was lacking significant evidence, or overlooked other relevant material concerning the merits of the case.

Ombudsman

The board is in the schedule of agencies that can be investigated by the Ombudsman where there is a compliant. Such an enquiry, where launched, will focus on whether the board acted consistently with governing legislation, regulations or stated policies and procedures. The ombudsman may make recommendations for remedy and it is the responsibility of the board to act on that information.

Operations and Statistics

Diagram 1
Decisions

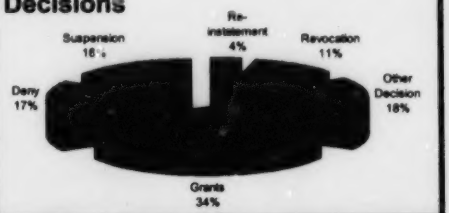


Diagram 2
Grant vs Deny

Diagram 3
Grant vs Suspensions

Diagram 4
Re-Instatement vs Revocation

(Diagrams above reflect fiscal year 2000/2001)

Total Decisions (Includes administrative, appeal and suspension decisions) . . . 1722
(*see Diagram 1*)

Administrative/Other Decisions 309

Total Grants (Grant Rate) 582 (67%)
(*see Diagram 2*)

Total Denied (Denial Rate) 291 (33%)
(*see Diagram 2*)

Suspended 278
(*see Diagram 3*)

Reinstated 74
(*see Diagram 4*)

Revoked 188
(*see Diagram 4*)

Granted Female Offenders (Grant Rate) 91 (86%)

Denied Female Offender (Denied Rate) 15 (14%)

Granted Female Federal Offenders (Grant Rate) 37 (88%)

Denied Female Federal Offenders (Denial Rate) 5 (12%)

Training and Development

The B.C. Board of Parole believes in the fundamental principle that training and professional development results in board members who are able to make reasoned and informed decisions on behalf of the community.

New Board Training

Six new board members were recruited in fiscal year 2000/01. Training of the new members was co-ordinated and delivered in partnership with the Justice Institute of British Columbia. The training package for new board members has evolved over time and is a comprehensive six-day curriculum that provides new board members with the necessary skills to immediately become contributing participants in parole hearings.

Full Board Training – Spring Provincial Tour

The board has traditionally gathered its members two times per year for two days of training on parole topics and trends. Spring 2000 was a departure from the traditional training regime. The chair and office support staff met with regional board members in their regions with justice partners from institutional and community corrections. The topics for these meetings were regional in focus and emphasized problem solving. These meetings were not only extremely successful but saw the board became a catalyst for improved communication. There was universal consensus that this format for training should be repeated every two years.

Full Board Training – Fall

Full board training was held in Burnaby. Topics included: drug addiction, methadone and parole, victims' issues and the board's partnership with Corrections Branch. Time was dedicated to renewing the board's mission statement and in developing an action plan for the future.

Program Highlights

Victim Inclusion in Parole Hearings

The B.C. Board of Parole has welcomed victims since 1996 to participate in parole hearings. The board has participated and contributed to the scheduled review of the Corrections and Conditional Release Act as a result of leadership in the field of victim inclusion.

The B.C. Board of Parole, in promoting victim inclusion in parole hearings, was also recognized in 2000 by being invited to contribute to two international conferences. These conferences were "Promoting Parole Internationally: Contributing to Global Public Safety in the 21st Century" sponsored by the Association of Paroling Authorities International and the "International Symposium on Victimology". At both conferences the chair presented on the merit and value of victim participation in parole hearings.

The board meets regularly with provincial and federal victim advisory committees to promote the board's vision of restorative justice and ensure that the board is current with issues related to victims.

Aboriginal Recognition

Historically, aboriginal offenders have been over-represented in provincial and federal correctional institutions. The B.C. Board of Parole believes that the parole process must be inclusive and sensitive to aboriginal cultural and justice traditions. To assist in meeting this goal, the board attempts to maintain a significant aboriginal presence on the board. In fiscal year 2000/2001, there were five board members of aboriginal descent. Among their hearing duties, the board benefited from their guidance and advice on aboriginal matters as well as their valued leadership in high profile hearings that involved aboriginal offenders. Our aboriginal members were also involved in training sessions for other board members and guide the board in structuring circle parole hearings, elder-assisted hearings and community-based meetings. The board is always prepared to respond to original ideas from aboriginal communities.

The chair is a member of the Sto:lo House of Justice Advisory Council. Participation in this forum returns to the board important insights in the historical traditions and continuing development of aboriginal justice belief and practice.

Female Offenders

The chair of the board serves as a member of the Exchange of Services Advisory Committee as well as Joint Committee as a result of the board's responsibility to provide a parole service to the provincial and female offenders at Burnaby Correctional Centre for Women. Both committees are mandated by the Exchange of Services Agreement between the province and government of Canada that sets out the parameters of service for federal female offenders incarcerated at Burnaby Correctional Centre for Women. The Exchange of Services Committee is a working committee dealing with front-line federal/provincial problems in the institution. It recommends solutions and initiatives to Joint Committee, the decision-making body.

The B.C. Board of Parole also works closely with the Elizabeth Fry Society of Canada, especially in regard to resource options for provincial and federal female offenders.

Public Education

In fiscal year 2000/2001, the board completed three information brochures; a program brochure for the general public, an information brochure for victims of crime and an application guide for offenders.

Board members are encouraged to become involved in their communities and participate in justice forums and media interviews in an effort to place a human face on release decision-making. Their participation is encouraged through a formal round-table that is set aside for reporting at every board training session. In this fiscal year, among many other community activities, the board participated in the Canadian Council of Churches "Forum on Restorative Justice", the "Unlocking Aboriginal Justice" community meetings and in a community justice theatre performance.

Partnership

The B.C. Board of Parole enjoys a long history of co-operation with the British Columbia Corrections Branch. In fiscal year 2000/2001, heads of both agencies signed a first Memorandum of Understanding between the B.C. Corrections Branch and the B.C. Board of Parole on April 3rd, 2000. A new administrative agreement was signed between the board and the B.C. Corrections Branch on January 9th, 2001. This agreement more accurately reflects current Corrections Branch policy, victim sensitivity and the belief that the safety of the community is best served through the managed return of appropriate offenders to their communities through the parole process.

National and International Development

Canadian Association of Paroling Authorities

The British Columbia Board of Parole is a member of the Canadian Association of Paroling Authorities. Membership consists of the four Canadian paroling authorities: the National Parole Board of Canada, the British Columbia Board of Parole, the Quebec Board of Parole and the Ontario Board of Parole. The Association meets two times per year to review legislative issues, policy, trends and other issues particular to parole nationally and provincially.

Spring Meeting

The four authorities share the hosting of CAPA meetings and, as it fell to Quebec to host, the spring meeting was held in Hull, Quebec. Standing items on the CAPA agenda include; victims' issues, aboriginal issues, legal issues and chairs' reports. Additional meeting topics included: drug and alcohol testing, immigration and parole, conditional sentencing and parole and witness protection cases and the parole process.

Fall Meeting

The fall meeting of the Association took place in Burlington, Ontario. Topics included: changes to the Ontario corrections and parole system, transfer of parole jurisdiction, young offenders, disclosure of confidential information and changes to the British Columbia Corrections Branch temporary absence program. The spring 2001 meeting will take place in Halifax. British Columbia will host the fall meeting.

Association of Paroling Authorities International

The board is a member of the Association of Paroling Authorities International. The association is the recognized voice for the highest professional standards of responsible parole practices. APAI demonstrates, through established values, that the parole process of the criminal justice system is an essential element for making societies safer and better places to live.

The Association sponsors an annual international conference. The conference for 2000 took place in Ottawa, Ontario and the B.C. Board of Parole was involved in stewardship of the conference and in program planning. The board also participated in a forum on victim participation in parole hearings.

Budget

The board is responsible for an annual budget of $617,000. Of this total, 262,000 is dedicated to board member hearing expenses and the remainder is allocated to office support and operations.